

### **Remarks**

The paragraphs of the Office action are responded to through the corresponding numbered paragraphs below. The applicant has addressed each issue in turn and, for clarity, has provided a heading for each issue.

The Examiner indicated that the request for continued examination and fee having been filed in this application after final rejection and since the application is eligible for continued examination and the fee has been paid, the finality of the previous Office action has been withdrawn. The applicant appreciates the withdrawal of the finality of the previous action and believes that no specific response is required for this paragraph.

The Examiner indicated that claims 1-16 are pending in the current application, that claims 17-25 were cancelled and that claim 1 was amended via paper 11. The applicant believes that no specific response to this paragraph is required.

### ***Claim Rejections - 35 U.S.C. § 102***

1. The Examiner provided the citation to 35 U.S.C. § 102, which form the basis for the rejections under this section in the Office action. The applicant believes that no specific response is required for this paragraph.

2. The Examiner rejected claims 1-5, 7-14 and 16 "under 35 U.S.C. 102(e) as being anticipated by Bezos". The applicant has requested that claim 1, on which claims 2-5, 7-14 and 16 depend and which incorporate all of the limitations of claim 1, be amended to more clearly point out that in applicant's invention a custom product page is dynamically generated based on the populated template and an identified on-line marketplace for each

product which is to be marketed. The applicant has carefully examined the cited reference and finds no disclosure of dynamically generating a custom product page as claimed by the applicant. The, therefore, applicant believes that this combination of features are neither disclosed nor suggested in the cited reference, or any other known reference. Moreover, the feature of applicant's invention that provides automatic customization of the product template based on the selected e-commerce marketplace and is not merely a "product-specific Web site" as described in the cited reference. Since claims 2-5, 7-14 and 16 depend on claims 1, which the applicant has amended, the applicant believes that this requested amendment is fully responsive to the rejection of this paragraph. The applicant respectfully requests reconsideration and withdrawal of this rejection.

***Claim Rejections - 35 U.S.C. § 103***

3. The Examiner provided the citation to 35 U.S.C. § 103(a), which form the basis for all obviousness rejections under this section in the Office action. The applicant believes that no specific response is required for this paragraph.

4. The Examiner rejected claims 6 and 15 "under 35 U.S.C. 103(a) as being unpatentable over Bezos U.S. Patent No. 6,029,141, in view of Official Notice". As noted above, the applicant has requested that claim 1, on which claims 6 and 15 depend and which incorporate all of the limitations of claim 1, be amended to more clearly point out that applicant's invention includes a dynamically generated custom product page based on the populated template and an identified on-line marketplace for each product which is to be marketed and that in applicant's invention the appearance and features of

the templates are dynamically adjusted based on the selected group of on-line marketplaces. The applicant believes that the combination of steps, as defined in the amended claims, is neither described nor suggested by the cited or any other known references. Since claims 6 and 15 depend on claims 1, which the applicant has amended, the applicant believes that this requested amendment is fully responsive to the rejection of this paragraph. The applicant respectfully requests reconsideration and withdrawal of this rejection.

***Response to Arguments***

5. The Examiner indicated that he had considered the applicant's previous arguments "but they are not persuasive." The Examiner further stated that he believes that "Bezos does disclose a software system and method for enabling an Internet sales entity to efficiently market and sell goods in cooperation with Web sites" and that "through Bezos, an individual can register as an associate, and can then set up a Web site to market customized subsets of a product." The applicant still fails to find recited in the Bezos reference a disclosure of the specific steps claimed by applicant, including but not limited to the "dynamically adjusting said template appearance and features based on said selected group of on-line marketplaces" and "dynamically generating a custom product page based on said populated template and an identified on-line marketplace from said selected group of on-line marketplaces for each individual product from said product information database that is to be marketed on one or more of said on-line marketplaces." Applicant respectfully disagrees with the Examiner's assertion that Bezos disclosing software for enabling an Internet sales entity to efficiently market and sell goods in any way discloses the specific steps claimed in applicant's amended claims. Furthermore, the

use of PUSH Technology by Bezos also does not contemplate the dynamic generation of custom product pages or the dynamic adjustment of template appearance claimed by the applicant. The applicant respectfully wishes to note that not traversing an official notice regarding whether particular areas of expertise are functionally equivalent to a multiple e-commerce market site is and was not intended as an admission of "Prior Art". Rather such assertions by the Examiner did not seem material to the applicant, since the cited references still fail to disclose or even suggest the combination of elements claimed by the applicant. Nevertheless, the applicant respectfully traverses the Examiners assertion of "admitted prior art." The applicant has made no such admission. Although the applicant has made several amendments to claim 1, in order to facilitate the efficient prosecution of this application, the applicant does not believe such amendments were or are necessary for patentability. Accordingly, the applicant continues to respectfully assert that claim 1, as amended in the response filed on May 9, 2003, is not disclosed or suggested by the Bezos reference or any other known reference, since, besides other elements, claim 1 includes the explicit element of "e-commerce marketplace filters" which is neither described nor suggested in the cited reference. The applicant also notes that the Examiner also has not addressed this element and has not pointed out where this and other specific claim limitations can be found in the cited reference. The applicant therefore respectfully requests reconsideration and allowance of the claims of this application.

### ***Conclusion***

6. The Examiner has provided information concerning communication and/or inquiries concerning this case. Applicant appreciates the Examiner's willingness to

communicate and assistance regarding this case and believes no response to this paragraph is necessary.

The applicant has requested that claim 1 be amended as described. Applicant believes that all issues and points of the Examiner's Office action have been addressed. Applicant believes that claims 1-16 are patentable over all known prior art, claims 2-16 being dependent on the amended claim 1 and therefore including its limitations. Applicant respectfully requests reconsideration and allowance of this application.

Respectfully submitted this 11th day of June, 2004.



Lloyd W. Sadler, Reg. No. 40,154  
PARSONS BEHLE & LATIMER  
201 South Main Street, Suite 1800  
Salt Lake City, Utah 84111  
Telephone: (801) 532-1234  
Facsimile: (801) 536-6111